

Criminal Trials (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Juries in Criminal trials shall in future be chosen by ballot as in Civil trials.
 2. When a jury is sworn and trying a case a subsequent jury may be selected from the residue of the names in the ballot box.
 3. By consent a jury once drawn by ballot may try other cases without their names being redrawn from the ballot box.
 4. Henceforth in all Criminal trials the Crown shall have the same right of challenge only as the subject, and shall not be allowed, as at present, to bid persons to stand by without cause till the panel is gone through.
 5. Act to extend to Ireland only.
 6. Title of the Act.
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TO

Provide that Jurors in Criminal trials in Ireland shall henceforth be chosen as in Civil trials by ballot, and to abolish the power of the Crown in such trials to set aside jurors without cause.

A.D. 1872.

WHEREAS confidence in the administration of Criminal justice in Ireland will best be promoted by providing that the Crown shall have no greater privilege than the subject in the selection of jurors to try persons arraigned on indictments and informations :

- 5 And whereas, with that object, it is expedient to enact that for the future jurors in Criminal trials in Ireland shall be chosen as in Civil trials by ballot, and that the power now exercised by the Crown to cause jurors to stand by without cause until the pannel shall be gone through shall hereafter cease and determine :
- 10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Sheriff or other officer who shall, after the passing of this Act, return a pannel of jurors to any court in Ireland for the trial of any indictment or information, shall cause the name of each juror on such pannel, together with his addition and place of abode, to be written on a card or piece of parchment, all such cards or pieces of parchment to be as nearly as may be of the same size, and shall deliver the same to the clerk of the Crown or other officer of the court in which such indictment or information is to be tried ; and such clerk of the Crown or other officer shall put the said cards or parchments together in a box to be provided for that purpose ; and when an indictment or information shall be brought on to be tried before any court or judge, such clerk of the Crown or other officer shall, in open court, draw out twelve of the said cards or parchments, one after the other, after having shaken them together ; and if any of the men whose names shall be so drawn shall not

Juries in criminal cases shall be chosen by ballot as in civil cases.

[Bill 47.]

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A.D. 1872.

appear, or shall be challenged and set aside, then such further number until twelve men be drawn who shall appear, and who, after all just causes of challenge allowed, shall remain as fair and indifferent: and the said twelve men, being sworn, shall be the jury to try the person arraigned on the indictment or information then to be tried; and the names of the men so drawn and sworn shall be marked on the pannel, and the cards or parchments on which the names shall be written shall be kept apart by themselves until each jury shall have given in their verdict and the same be recorded, or until such jury shall be discharged in due course of law, and then the same shall be returned to the box, there to be kept with the other cards or parchments remaining at that time undrawn, and so toties quoties as long as any indictment or information shall remain to be tried.

When a jury is sworn a subsequent jury may be selected from the residue of the names in the ballot box.

2. If any indictment or information shall be brought on to be tried in any court before a jury empannelled and sworn in the said court to try any other indictment or information shall have brought in their verdict or been discharged, it shall be lawful for the court to order twelve of the residue of the said cards or parchments remaining in the said box to be drawn in such manner as aforesaid for the trial of the indictment or information which shall be so brought on to be tried.

By consent, a jury once drawn by ballot may try other cases without their names being re-drawn from the ballot box.

3. With the consent of those who prosecute for the Queen, and of the person arraigned on any indictment or information, the court may try any indictment or information with the same jury that shall have previously tried, or been drawn to try, any other indictment or information without the names being returned to the box and re-drawn; or the court may order the name of any man on such jury whom both parties may consent to withdraw, or who may be justly challenged or excused by the court, to be set aside, and another name to be drawn from the box, and try the indictment or information with the residue of such original jury and with such man whose name shall be so drawn and who shall appear and be approved of as indifferent, and so toties quoties as long as any indictment or information remains to be tried.

On all criminal trials the Queen shall have the same right of challenge only as the subject, and shall not be allowed to bid jurors

4. In all inquests to be taken before any court in Ireland, after the passing of this Act, where the Queen is a party, howsoever it be, the Queen shall have the same right of challenge, peremptory or otherwise, as the subject, and no other; and henceforth no judge or Court in Ireland before whom any indictment or information shall be brought on to be tried shall order a juror to stand by until the

pannel shall be gone through at the prayer of them that prosecute for the Queen as has been heretofore accustomed.

5. This Act shall extend to Ireland only.

6. This Act may be cited for all purposes as "the Jury Act, 5 (Ireland), 1872."

to stand by
till the pan-
nel is gone
through.

Act only to
extend to
Ireland.
Title of Act.

Criminal Trials
(Ireland).

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To provide that Jurors in Criminal trials in Ireland shall hereafter be chosen as in Civil trials by ballot, and to abolish the power of the Crown in such trials to set aside jurors without cause.

(Prepared and brought in by
Mr. Colborne *et al.* Messrs. Sir John Grogan, Mr. Parn,
and Mr. Swayne.)

Ordered, by The House of Commons, to be Printed,
15 February 1872.

[380 47.]
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